

# State of South Dakota

## EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

382L0171

### HOUSE BILL NO. 1133

Introduced by: Representatives Miles, Boomgarden, Dykstra, Elliott, Frost, Glenski, Hackl, Hargens, Hunt, Kraus, McCoy, Michels, Rave, Rhoden, Schafer, Sigdestad, Street, Thompson, Weems, and Wick and Senators Dempster, Bartling, Duenwald, Duniphan, Greenfield, Hanson (Gary), Hundstad, Kloucek, Knudson, Koetzle, Kooistra, McCracken, Nesselhuf, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to authorize additional persons to serve mental illness  
2 commitment papers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 27A-11A-5 be amended to read as follows:

5 27A-11A-5. Copies of the petition and notice of hearing shall be personally served forthwith  
6 ~~by the sheriff~~ on the person prior to the hearing by the sheriff, or a constable, or an elector of  
7 any state not a party to the action that is specifically designated by the board. The notice of  
8 hearing shall include the following:

- 9 (1) Notice of the time, date, and place of hearing;
- 10 (2) Notice to the person of the right to be represented by an attorney retained by the  
11 person or appointed by the chair of the board wherever the hearing is to be held;
- 12 (3) Notice that the person will be examined by a qualified mental health professional or  
13 physician designated by the chair of the county board within twenty-four hours of  
14 being taken into custody;



- 1       (4)    Notice that the medical records of the person will be available to the qualified mental
- 2            health professional or physician and defense lawyer; and
- 3       (5)    Notice of the right of the person to obtain an additional examination, the reasonable
- 4            expense of which shall be reimbursed to the county by the person unless the person
- 5            is indigent.